

REMARKS

Claims 1-50, as amended, remain herein. Claims 1-23 are presently withdrawn from consideration.

Applicants thank the Examiner for acknowledging that claims 27-33, 37-43 and 46-50 contain allowable subject matter and would be allowed if rewritten to overcome the objections thereto. The claims have been so amended.

This Amendment is believed to place this application fully in condition for allowance, and surely in better condition for any appeal. Thus, entry of this Amendment and allowance of all claims 24-50 are respectfully requested.

1. The claims have been amended, replacing “driving mechanism” with “sensor sending out mechanism,” thereby mooting the objection to the claims.

2. Claims 24-26, 34-36, 44 and 45 are rejected under 35 U.S.C. § 102(b) over Amano JP Pub. No. 2001-141686. However, Amano fails to disclose a cartridge comprising a “sensor ejecting means for ejecting a biosensor from the cartridge,” as recited in applicants’ claim 24. The Office Action cites Amano’s elements 4a-c, which are part of a dispensing device in Amano, not a cartridge.

Amano further fails to disclose any sensor sending out mechanism for driving a sensor ejecting means in a biosensor cartridge. The Office Action cites Amano’s pulleys which rotate rollers 4a-c as alleged “sensor sending out mechanisms.” However, the pulleys act on rollers 4a-c located on a dispensing device, not on a cartridge, as recited in applicants’ claim 24.

Since Amano fails to disclose every element of applicants' claim 24, Amano is an inadequate basis for rejecting claims 24-26, 34-36, 44 and 45 under 35 U.S.C. § 102(b). Reconsideration and withdrawal of the rejection are respectfully requested.

Accordingly, all claims 24-50 are now fully in condition for allowance and a notice to that effect is respectfully requested. The PTO is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293. If further amendments would place this application in even better condition for issue, the Examiner is invited to call applicant's undersigned attorney at the number listed below.

Respectfully submitted,

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